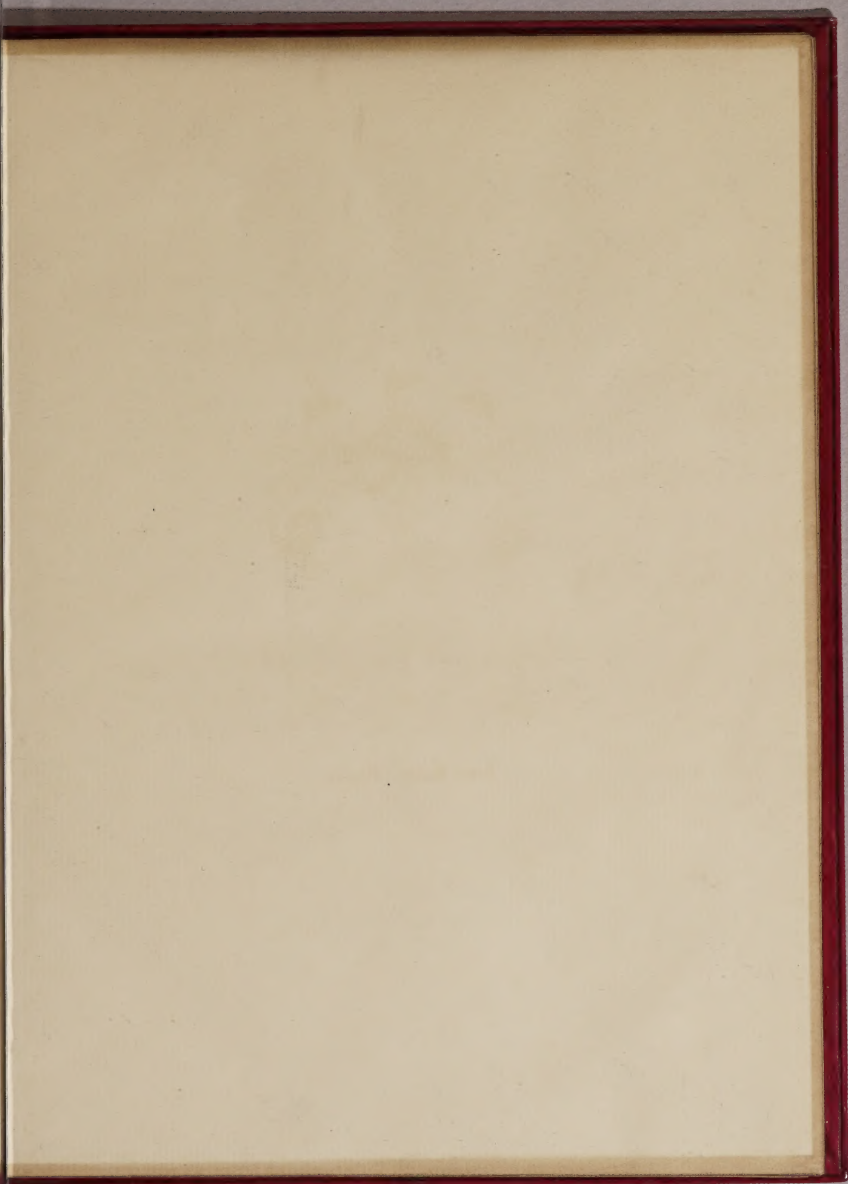
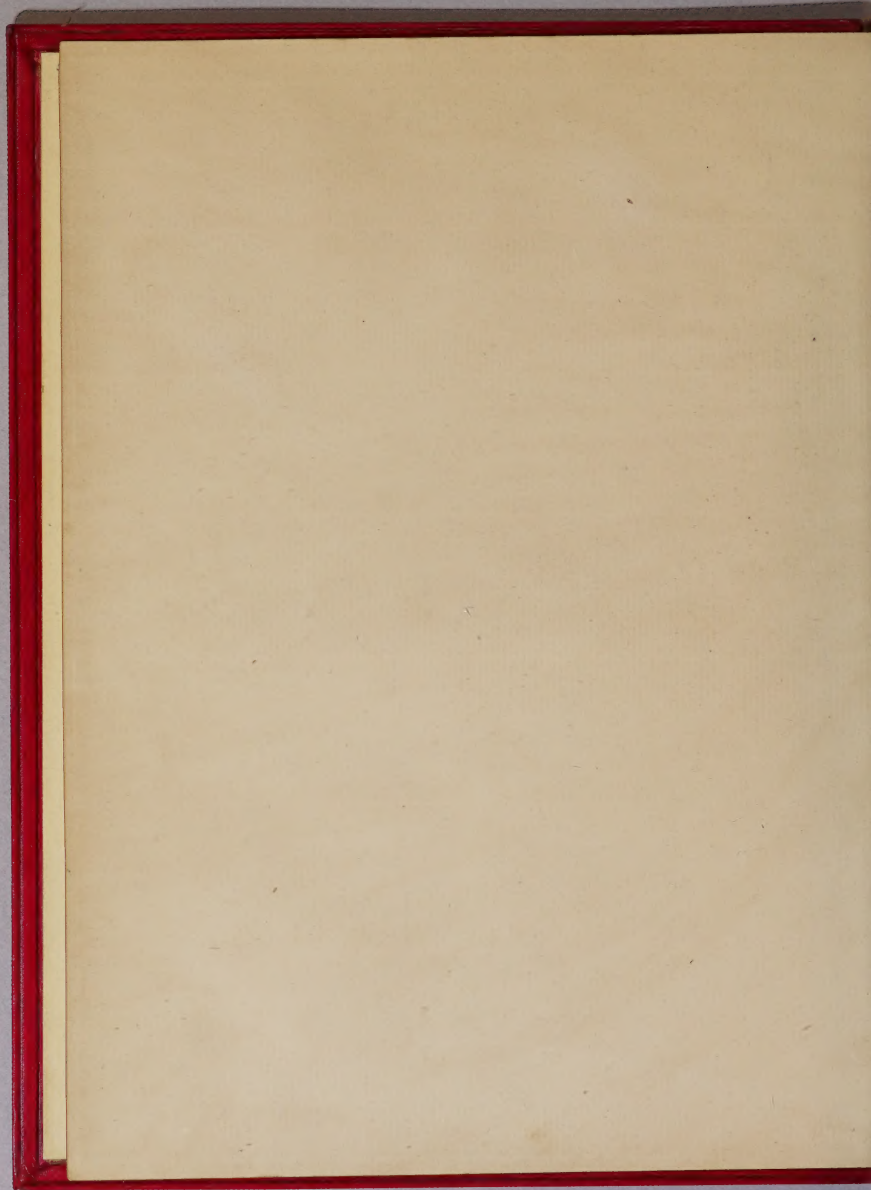






John Carter Brown.





IMPAIRED ACCOUNT

OF THE

STATE OF THE UNION

IN THE

YEAR 1861

AND

DECLARATION

OF THE

STATE OF THE UNION

IN THE

YEAR 1861

AND

DECLARATION

OF THE

STATE OF THE UNION

IN THE

YEAR 1861

AND

DECLARATION

f. P.

IMPARTIAL ACCOUNT
OF THE
STATE OF NEW YORK
OF THE
GOVERNMENT, 1784
In Answer to the
DECLARATION
Which has been presented to the
House of Representatives
Of the State of New York, by the
Honourable the Speaker of the
Assembly, on the 17th of January, 1784.
By John Jay.
LONDON:
Printed by J. Baskin, at the Sign of the Crown, in Pall-mall.
1784.

AN
IMPARTIAL ACCOUNT
OF THE
State of New England :

OR, THE
Late GOVERNMENT there, Vindicated.

In Answer to the
DECLARATION
Which the FACTION set forth, when they Over-
turned That GOVERNMENT.

With a Relation
Of the Horrible Usage they treated the Gover-
nour with, and his Council; and all that had His Ma-
jesty's Commission.

In a LETTER to the CLERGY there.

By John Palmer.

L O N D O N:

Printed for *Edward Poole*, at the *Ship* over against the *Royal*
Exchange, in *Cornhill*, 1690.

AN
IMPARTIAL ACCOUNT
OF THE
State of *West-India*
OR THE
Late Government there, Vindicated.

In Answer to the
DECLARATION
Which the *West-India* Colonies have
signed, THE GOVERNMENT

With a Relation
Of the Horrible Manner they treated the Govern-
ment, and the Councils, and all that had the Ma-
jesty's Commission.

By *John Palmer*.

LONDON:
Printed for *Edward Poole*, at the Ship over against the Royal
Exchange, in Cornhill, 1690.

PRICE

JOHN CARTER BROWN

THE PREFACE.

THERE was so much Industry used in New England, by those who had taken upon themselves the Government, that nothing should come abroad which might undeceive the People, already wrought to such a pitch of Credulity, easily to believe the most monstrous Lies and Follies, that the ensuing Letter could not be Printed without excessive Charge and Trouble; the Press being forbid to any that were injur'd, to justify themselves, though open to all that would calumniate, and abuse them; so that for several Months it appeared in Manuscript, by stealth, branded with the hard Name of a Treasonable and Seditious Libel; and would have been, little better than Death, for any one, in whose Hands it should have been found; but remained unanswered, although Care was taken that it came to the Hands of some of the Persons to whom it was directed.

I was then oblig'd to conceal my Name, because I was in their Hands, and liable to whatever their Malice could prompt them to impose upon me; but being now at Liberty, and having revised it, I have thought fit, for the Justification of Sir Edmond Andros, and the rest of my Fellow-Sufferers, to make it publick here, that the World may see how barbarously we have been used, and most unmercifully dealt withal, by those Professing People; who for the better effecting the Subversion of Kingly Government, and establishing their Old Commonwealth, contrary to the Laws both of God and Man, and their Faith given; detain'd us Ten Months in Prison, without any Mittimus, or just Cause, alledged for their so doing; and afterwards caus'd us to be put on Board, a deep laden Ship, where we endured all the Miseries of a Troublesome Winter Voyage; but (by God's Blessing) escaped both the danger of the Seas, and our Enemies, and appeared at the Council-Board, where the worst of our Enemies (even the very Men that had so unjustly imprisoned and detain'd us) had nothing to say or object against us.

The PREFACE.

Their Declaration (published as the Cause of their Insurrection) is herein particularly answered, and matter of Fact truly alledged, not in Scandalous, Base, and Abusive Reflections, as some of their Pamphlets are stuff'd withal, but with that Sincerity and Moderation which becomes a Christian; and altho' there are many things in it so frivolous, that to Men of Business, it may seem impertinent to answer; yet I hope to be excus'd, because the meanest things made so deep an Impression on the Vulgar and Ignorant People, that it was absolutely necessary they should be undeceived.

I hope it will satisfy every unprejudiced Person, and sufficiently convince the World that our Imprisonment was not for any Crime committed, but that (we being employed from the Crown) by our Removal, the more easie Subversion of Monarchy, and Destruction of the Church of England, might be effected; both which they ever mortally hated, and had long before plotted to ruine, making use of this juncture of Affairs, and Their Majesties Names to cloak their Design, whilst their Service was never intended, as is evident by their withdrawing the Force from the East-ward, by which their Majesties Fort and Garrison of Pemyquid, and the whole County of Cornwall, the greatest part of the Province of Mass, and part of the Province of New Hampshire were lost; the Inhabitants being driven from their Houses, and above 300 of them taken Captives, and Murdered, by the Indians; embesling their Majesties Stores, Arms and Ammunition; seizing and dismantling their Frigate, destroying their Revenue; setting up a Republick Government, making Law, erecting Courts of Judicature, condemning and executing their Fellow Subjects, denying them Appeals to their Majesties, and burthning them with intollerable Taxes; without any manner of Lawful Authority, for so doing, to the great Violation of the Laws, and destructive of the Liberty of the Subject.

*The State of NEW-ENGLAND, Impartially
considered, &c.*

Reverend Sirs,

TWO Months have already past away, since, with Astonishment, I have beheld the most deplorable Condition of this Country; into what a *Chaos* of Confusion and Distraction have this People run themselves; and in what a labyrinth of Miserys and Perplexitys are they involved! 'Tis high time now to make some serious Reflections on the State of Affairs.

In the first place therefore, 'twill be necessary to consider,

1. *For what Reasons, and to what End, did they take up Arms?*
2. *Whether those Reasons be Substantial, and such as carry with them weight enough to justify the Act; and whether the proposed End can be obtained by such Methods?*
3. *If not, What will be the Event, and whether any way be left open for a Peaceable and Friendly Settlement?*

Although 'tis not a doubt but a prevailing Party among you, to gratifie their Malice, Ambition, or Revenge, have been the Plotters and Contrivers of these unhappy Troubles; and the better to carry it on, have made use of the deluded Coun-

B trymen,

trymen, as *the Monkey did the Cats Foot, to pluck the Chesnut out of the Fire*: Yet I shall not meddle in that matter; I will only instance such things as Conversation and Report have brought to my Knowledge, or as I shall find obvious in the *Declaration*; the sum of which is:

1. That above ten Years since, there was an horrid Popish Plot in the Kingdom of *England*, in which the Extirpation of the *Protestant Religion* was design'd; and there was great reason to apprehend the Reform'd Churches of *New-England* were to be over-whelm'd in the same Pit of Ruine and Destruction.

2. That the better to effect it, their *Charter* (the only Hedge which kept them from the wild Beasts of the Field) was both injuriously and illegally Condemned, before it was possible for them to appear at *Westminster* in the Legal Defence of it; and without a fair leave to answer for themselves.

3. That by an illegal Commission they were put under a President and Council, which was soon superseded by another, more Arbitrary and Absolute, to Sir *Edmond Andros*, giving him Power, by the advice of his Council, to make Laws, and levy Taxes, as he pleased; to muster and imploy all Persons resident in the Territory, as occasion should require, and them to Transfer to any *English* Plantation; and that there were courses taken to damp and spoil their Trade, while neither the Honour nor the Treasure of the King was advanced.

4. That several Redcoats were brought over, to support what should be imposed upon them, and more threatned.

5. That Preferments were principally loaden on Strangers and Haters of the People.

6. That

6. That they were Squeeze'd and Oppress'd by a crew of abject Persons from *New York*, who took, and extorted, extraordinary and intollerable Fees.

7. That it was impossible to know the Laws that were made, and yet dangerous to break them.

8. That by some in open Council, and by the same in private Converse, it was affirmed, That the People in *New England* were all Slaves; and the only difference between them and Slaves, was their not being Bought and Sold; and that it was a Maxime delivered in open Court, by one of the Council, *That they must not think the Privilege of English-men would follow them to the end of the World.*

9. That they were denied the Privileges of *Magna Charta*; and that Persons who did but peaceably object against raising Taxes, without an Assembly, were for it severely Fined.

10. That Juries have been pick'd and pack'd, and that some People have been Fined without a Verdict, *yea, without a Jury.*

11. That some People have been kept long in Prison, without any Information against them, or being charged with any Misdemeanor, or *Habeas Corpus* allowed.

12. That Jury-men were Fined and Imprisoned for refusing to lay their Hands upon the Book, as they came to be Sworn, contrary to the Common Law of *New England*.

13. That there was a discovery made of Flaws in the Titles of their Lands; and that the Governour denied that there was any such thing as a Town among them, and that more than a few were by Terrors drawn to take Patents at excessive rates.

14. That *Writs of Intrusion* were issued out.

15. That the Governour caused their Lands to be measured out for his Creatures, and that the right owners for pulling up

the Stakes, have been grievously molested; and several Persons had their Commons begg'd.

16. That the forcing of the People at the East-ward to take Patents, gave a rise to the late unhappy Invasion by the *Indians*.

17. That blank Patents were got ready to be sold at great Prices.

18. That the Governour, and five or six of the Council, did what they would; and that all such as were Lovers of their Country, were seldom admitted.

19. That all manner of craft and rage was used to hinder Mr. Mather's Voyage to *England*, and to ruine his Person.

20. That although the King promised Mr. Mather a *Magna Charta* for redress of Grievances; and that the Governour should be Wrote unto, to forbear these measures that he was upon, yet they were still injur'd in these very things which were complained of.

21. That the Ministers and Churches have been discountenanced.

22. That they were imbryar'd in an *Indian-War*; and that the Officers and Soldiers in the Army were under *Popish Commanders*.

23. That the rest of the English Plantations being alarm'd with just fears of the *French*, who have treated the *English* with more than *Turkish* Cruelty, could not but stir them up to take care for their own Preservation, lest they should be delivered to the *French*, before Orders could come from His Highness the Prince of Orange, and the Parliament of England.

24. That

24. That they have for their Example, the Nobility, Gentry, and Commons of *England*; and above all, they esteem it their Duty to God, so to have done.

Thus far have I trac'd the *Declaration*, and do not know that any one thing material is omitted; I shall now mention some other Matters which have occurred.

'Twas credibly Reported, That *Boston*, and all the Inhabitants were to be destroyed; and to that end the *Mobacques* were to be brought down.

That there were several Fire-works prepared in the Fort, and Vaults dug under Ground to blow up the Town.

That the Soldiers at the East-ward were all poisoned with Rum: That there were thirty Sail of *French* Frigats upon the Coast: With several other trifling things, which I cannot recollect.

These are the principal Reasons alleaged for their taking up Arms; now the end can be no other than the redress of those Evils complained of.

The next thing then to be considered of is, *Whether all, or any of the Reasons aforesaid, are sufficient to justify their Proceedings; and whether the proposed end can be attain'd by such Measures?*

1. That there was a Popish Plot is without doubt; and if *England* at that time had fallen under the Yoak of *Roman Tyranny*, 'tis as certainly true *New England* must have undergone the same Fate; but that this should be used or introduced as a Reason or Argument for vacating their Charter, is beyond my Conception; for if they had once prevailed, How weak a rampart would the Charter have been against so cruel and powerful an Enemy? Would the Papists have made *Westminster-Hall* the Arbitrer? Certainly no; their Wills would have been their

Law;

Law, and the Hedge would have been broke down, with a great deal of ease. Is it reasonable to imagine, that after they had with Force and Violence attained their wished-for End in Old England, they would make use of Politicks in New? And as preposterous and unreasonable to Fancy, that for that end the Charter was called in Question; especially when you consider, that four *decades* of Years have already past, since the Crown of England first thought it not fit for them to hold any longer; and several Years after, the Popish Plot was discovered, before the *Scire Facias* issued out.

2. That the Charter was injuriously and illegally Condemned, without giving them timely notice of it, or allowing them to answer for themselves, might bear some weight with it, if true; but it will appear quite otherwise, and that they had opportunity enough to have made Defence on behalf of their Charter, if they had thought fit: For several Years before the proceedings to the Condemnation thereof, our late Sovereign King Charles the Second, by His Letters signified to them the many Complaints that were made to him of their Encroachments, and ill Administration of the Government; and to command that they should send over Agents, sufficiently Authorized, to answer the same; which at length they so far comply'd with, as to send them: But when they were called to hear, and answer the said complaints, always excused and avoided the principal part thereof, pretending they were not sufficiently impowered to that purpose; and afterwards other Agents were sent, fully impowered to answer, but not to submit or conclude any thing: And when His Majesty was pleased to cause a Writ of *Quo Warranto* to be sued forth against the Charter, and sent over with his Gracious Declaration, and proposals of such Regulations

to be made therein, as might be agreeable with His Majesty's Service, and the good and welfare of his Subjects here, and required an intire submission thereto, the General Court would not submit to, or comply therewith; only a Letter was sent to the Right Honourable Sir *Lionell Jenkins*, then Secretary of State, Dated the 10th. of *December*, 1683. Subscribed by the Governour, and eight of the Assistants only, wherein, after the acknowledgment of their having had a Copy of the *Quo Warranto*, and his Majesty's *Declaration*, they say, That the major part of the Magistrates have for several Weeks declared their Opinion, and voted to lay themselves at His Majesty's Feet, by an humble submission and resignation of themselves to his Majesty's pleasure; not being willing to contend with his Majesty in a course of Law, but by the next opportunity to dispatch their Agents fully empowered to make their Submission according to his Majesty's said Declaration, but by no means can at present obtain the consent of the *Deputies*, whereby to make it an Act of the *Corporation*; and therefore have agreed with them to a power of Attorneyship, to save a Default, in hopes that further time will prevail to dispatch their Agents accordingly, and shall earnestly endeavour to give the People a better understanding, before the next Ship Sail from hence.

His Majesty by this, finding that all the easie means he had used, could not bring them to any answer for the Crimes and Misdemeanors laid to their charge, nor produce any thing else but baffles and delays, gave Order to his Attorney-General, to sue out a Writ of *Scire Facias* from the High Court of *Chancery*, against the Governour and Company; which was accordingly done, directed to the Sheriffs of London, &c. and made

returnable in *Easter-Term*, in the 36th. Year of His Majesty's Reign; wherein they were required to make known to the said Governour and Company at London, That they appear in His Majesty's High Court of *Chancery* at *Westminster*, on the Day of the return thereof, to shew cause wherefore the said *Charter*, for the Reasons in the said Writ of *Scire Facias* mentioned and contained, should not be made void, null, and cancell'd; and the Liberties and Privileges thereby granted to the said Governour and Company, be Seized into the King's Hands; upon which Writ the said Governour and Company not appearing, another Writ of *Scire Facias*, of the same Tenor issued forth, returnable in *Trinity-Term*, then next following, when the said Governour and Company appeared by their constituted Attorney and Council; but refused to Plead to the said Writ, only moved for time to send to *New England*, which not being agreeable with the Rules and Practice of the Court in such Cases, could not be allowed; but in Favour to them a Rule was made, That unless they Plead by the first day of the then next *Michaelmas-Term*, Judgment should be entered by Default: And in that *Term*, for default of Pleading, Judgment was entered on His Majesty's behalf, and the said Charter adjudged to be void, null, and cancell'd, and that the Liberties and Privileges of the said Governour and Company be Seiz'd into the King's Hands; which was accordingly done, by the Exemplification of the said Judgment in the Reign of K. James the Second, and by His Majesty's Commission to a President and Council to take the Government of this Countrey. All which Proceedings are most just and legal, according to the Rules and Practice of the Law of *England*, and agreeable with many Precedents of the like Nature, both ancient and modern.

Be-

Besides, all Companies, Corporations, or Bodies Politick, made or granted by Letters Patents, or Charter, from His Majesty, for any part or places beyond the Seas, are by themselves or Agents to be alwaies ready to answer His Majesty in any of his Courts at *Westminster*, when he shall think fit to order any Suit or Writ to be Sued or Prosecuted against them, and are supposed to be resident in or about *London* or *Westminster* for that purpose, as the *East-India*, *Royal African*, *Bermoodos*, and *Hudsons-bay Companys* are, who have their Trade, Factories, Collonys, and Plantations, abroad in *Asia*, *Africa*, and *America*: And in the like state or condition were the *Company* or *Corporation* of *Massachusetts-Bay* in *New England* to be, according to the Capacities given them by their Incorporation, of *Suing and being Sued, Pleading and being Impleaded*, as appears by the *Dogget-Book of the Council*, when the Charter was first Granted; wherein if they have neglected their Duty, as well as exceeded their Powers and Privileges granted, and would not put themselves into a condition to be heard, when they ought and might, it is not His Majesty, nor the proceedings of His Courts that are to be blamed, but themselves.

3. That there was a Commission sent to the *President*, and the successive one, to *Sir Edmond Andros*, are both true; but that they were Illegal, is a Position too confidently asserted by the Pen-man, who seems to be more a *Clergyman* than a Lawyer; but because the well clearing up of this point will be of great service to the subsequent Discourse, 'twill not be amiss that it be thoroughly considered. I shall therefore lay down this as a certain Maxime, both consonant to Reason and the Laws of the Land, That those Kingdoms, Principalities, and Collonies, which are of the Dominion of the Crown of England, and not of

Empire of the King of England, are subject to such Laws, Ordinances, and Forms of Government, as the Crown shall think fit to establish. New England, and all the Plantations are subject to the Dominion of the Crown of England, and not to the Empire of the King of England: Therefore the Crown of England may Rule and Govern them in such manner, as it shall think most fit. For the proof of which I shall instance *Wales*, which was once a Kingdom, or Territory, govern'd by its own Laws; but when it became of the Dominion of the Crown of England, either by Submission or Conquest, it became subject also to such Laws as King Edward the First (to whom they submitted) thought fit to impose, as may plainly appear in the Preamble of the Statute of Rutland. *Leges & consuetudines partium illarum hactenus usitatas, coram Nobis & preceperibus Regni nostri fecimus recitari, quibus diligenter auditis, & plenius intellectis quasdam illarum de consilio Procerum predictorum deleuimus quasdam permissimus, & quasdam correximus, & etiam quasdam alias adjiciendas & faciendas decreuimus, & eus de cetero in terris nostris in partibus illis perpetua firmitate teneri & obseruari volumus, in forma subscripta.* We have caused the Laws and Customs of those parts hitherto used, to be recited before Us, and the Peers of Our Realm, which being diligently heard, and more fully understood, some of them, by the Advice of Our Peers aforesaid, We have obliterated, some We have allowed, and some We have corrected; And have also Decreed, That some others shall be made; and We will, that for the future, they be holden and observed in Our Lands in those parts, with perpetual Firmness in manner hereinafter expressed. Then follow the Ordinances, appointing Writs original

original and judicial, in many things varying from those of *England*, and a particular manner of proceeding.

And again, in the close of the same Statute, *Et ideo vobis Mandamus quod præmissa de cætero in omnibus observetis, ita tantum quod quotiescunque quodocunque & ubicunque Nobis placuerit, possimus prædicta Statuta & earum partes singulas declarare, interpretari, addere sive diminuerere pro Nostræ libito voluntatis, prout securitati Nostræ & Terræ Nostræ viderimus expediri.* And therefore We Command you, That from henceforward you observe the Premises in all things, so only, that as often, whensoever, and wheresoever We please, We may Declare, Interpret, Add to, and Diminish from the said Statutes, and every part of them, according to Our Will and Pleasure, so as We shall see it expedient for the safety of Us, and Our Land aforesaid.

In the next place I shall instance *Ireland*: That it is a Conquer'd Kingdom is not doubted, [Cooke Rep. Fol. 18.] but admitted in *Calvin's* case, and by an Act of the 11th. 12th. and 13th. of King *James*, acknowledged in express Words, *viz. Whereas in former times the Conquest of this Realm, by His Majesty's most Royal Progenitors, Kings of England, &c.*

That by virtue of the Conquest, it became of the Dominion of the *Crown of England*, and subject to such Laws as the Conqueror thought fit to impose, until afterwards by the Charters and Commands of *H. 2. K. John*, and *H. 3.* They were intitled to the Laws and Franchises of *England*, as by the said Charters, reference being thereunto had, may more fully appear, I shall only instance two.

The First is out of the close Rolls of *H. 3.* wherein the King, after Thanks given to *G. de Mariscis* Justice of *Ireland*, signifies,

That himself, and all other his Lieges of Ireland, should enjoy the Liberties which he had granted to his Lieges of England; and that he will grant and confirm the same unto them: [Claus. 1. H. 3. Dorso 14.] which afterwards in the 12th. Year of His Reign he did, as followeth; *Rex dilecto & fidelio suo Richardo de Burgo Justiciar suo Hibern. Salutem; Mandavimus vobis firmiter precipientes, quatenus certo die & loco faciatis venire coram vobis, Archi-Episcopos, Episcopos, Abbates, Priores, Comites & Barones Milites & Libere Tenentes, & Balivos singulorum Comitatum, & coram eis publici legi faciatis Chartam Domini Johannis Regis Patris Nostri, cui sigillum suum appensum est, quam fieri fecit, & jurari a Magnatibus Hiberniæ de legibus & consuetudinibus Angliæ observandis in Hiberniæ. Et precipiatis eis ex parte nostra, quod leges illas & consuetudines in Charta prædicta contentas de cætero firmiter teneant & observent.* The King to his Faithful and Beloved Richard de Burg Justice of Ireland Greeting. We have Commanded you, firmly enjoying you, That on a certain day and place, you make to come before you the Arch-Bishops, Bishops, Abbats, Priors, Earls, Barons, Knights and Free-holders, and the Bayliffs of every County; and before them you cause to be publicly read the Charter of the Lord King John, our Father, to which his Seal is affixed, and which he caused to be made and Sworn to by the Nobility of Ireland, concerning the Laws and Customs of England to be observed in Ireland: And commanded them on our behalf, That for the future they firmly keep and observe those Laws and Customs contained in the Charter aforesaid.

By all which it is evident, That after the Conquest, and before the recited Charters, the Inhabitants there, although composed of many Free-born English Subjects, who settled themselves
 amongst

amongst them, were neither govern'd by their own Laws, nor the Laws of England, but according to the good pleasure of the Conqueror: And if you will take the Opinion of Sir Edward Coke, in his Annotations on the Great Charter, he tells you plainly, That at the making thereof, it did not extend to Ireland, or any of the King's Foreign Dominions; but after the making of Poyning's Law, which was in the 11th. Year of H. 7, (long after the Great Charter) it did extend to Ireland.

I have only one Instance more, and that is, The usage of Foreign Nations in their Plantations and Settlements abroad.

The Governments of the United Provinces, and Denmark, are well known in Europe; and yet in all their Plantations, their Governments are despotical and absolute, all the power is in the hands of a Governour and Council, and every thing is ordered and appointed by them, as is sufficiently manifest to those that are acquainted with Batavia, Surinam, Amasao, New York, (when formerly in their hands) and the Island of St. Thomas.

By which it is evident, That those Kingdoms and Principalities which are of the Dominion of the Crown of England, are subject to such Laws, Ordinances, and Methods of Government, as the Crown shall think fit to Establish.

The next thing then to be proved is, That New England, and all the English Colonies, are subject to the Dominion of the Crown of England, as Wales and Ireland are, and not to the Empire of the King of England, as Scotland is.

'Tis a fundamental point, consented unto by all Christian Nations, that the first Discovery of a Countrey inhabited by Infidels, gives a Right and Dominion of that Countrey to the Prince, in whose Service and Imployment the Discoverers was sent: Thus the Spaniard claims the West-Indies; the Portugals
Brazil:

Brasile: and thus the *English* these Northern parts of *America*. For, *Sebastian Cabot*, imployed by King *Henry 7.* was the first Discoverer of these Parts, and in his Name took Possession, which his Royal Successors have held and continued ever since; therefore they are of the Dominion of the Crown of England; and as such they are accounted by that excellent Lawyer Sir *John Vaughan* in his reports [*Vaub. Rep. Crum versus Ramsey.*] which being granted, the Conclusion must necessarily be good, and it will follow; That *Englishmen* permitted to be Transported into the Plantations (for thither without the Kings Licence we cannot come) can pretend to no other Liberties, Privileges, or Immunities there, than anciently the Subjects of England, who removed themselves into Ireland could have done: For it is from the Grace and Favour of the Crown alone that all these Flow, and are dispensed at the pleasure of him that sits upon the Throne; which is plain in the great Charter it self; where, after the Liberties therein granted by the King, it concludes thus: *Tenendas & habendas de Nobis & heredibus Nostreis in perpetuum.* To have and to hold of Us, and Our Heirs for ever; which by the Learned Sir *Edward Coke* is thus explained: These words (saith he) are not inserted to make a Legal Tenure of the King, but to intimate that all Liberties were at first derived from the Crown [*Insit. page 2. fol. 4.*] *Barbados*, *Jamaica*, the *Leeward Islands*, and *Virginia* have their Assemblies: but it is not *sui juris*, 'tis from the grace and favour of the Crown, signified by Letters Patents under the Broad Seal. But the Laws made by these Assemblies with the consent of the Governour, are no longer in force than till the King is pleased to signify his Disapprobation of them, which power he hath always reserved to himself, and can, whenever he thinks fit, Repeal and Annul all such as have not been before confirmed by him, or some of his Predecessors.

New England had a *Charter*, but no one will be so stupid to imagine that the King was bound to grant it them, neither can you, without impeaching the prudent Conduct and Discretion of your Fore-Fathers, so much as think, they would put themselves to so vast an Expence and unnecessary Trouble to obtain that, which as *English Men*, they thought themselves to have a sufficient Right to before: They owe it only to the Grace and Favour of their Sovereign; and if they had made better use of it, to promote the Ends for which it was granted, the weight of those Afflictions under which the People of this Country now groans, would not have lain so heavy upon them, at least they would have less deserved them.

Besides, the *Parliament of England* have never by any Act of theirs favoured the Plantations, or declared or enlarged their Privileges; but have all along demonstrated, that they were much differenced from *England*, and not to have those Privileges and Liberties which *England* enjoyed, being in all Acts relating to the Plantations, restrained and burthened beyond any in *England*, as appears by the several Acts made for the increasing of Navigation, and for regulating and securing the Plantation Trade.

I think I have both by good Authority, Practice and Precedent made it plain, That the Plantations are of the Dominion of the *Crown of England*, and without any regard to *Magna Charta*, may be rul'd and govern'd by such ways and methods as the Person who wears that Crown, for the good and advancement of those Settlements, shall think most proper and convenient: therefore neither the Commission to the *President*, nor that to Sir *Edmond Andros*, can be said to be Illegal.

Since then such an one might lawfully be granted, you have

great

great reason to commend the Moderation of the Gentleman who was intrusted with it, and to return Thanks to Almighty God, for placing over you a Person indued with that Prudence and Integrity, that he was so far from exceeding his Commission, that he never put in execution the powers therein granted him. Have there been any Taxes laid upon the People, but such as were settled fifty years since, and made perpetual by Laws of their own making? Any part whereof might be retained, and in force, after the condemnation of their Charter, that the King thought fit? Who hath been transferr'd out of this Territory? Or were ever fewer Rates paid than under him?

And whereas it is also alleaged in the Declaration, That there were courses taken to *damp* and *spoil* their Trade, while neither the Honour nor Treasure of the King were advanced: Give me leave to tell you; the same is altogether false, and mistaken, for the very considerable increase of Their Majesties *Revenue* arising by Customs (not at all altered under Sir *Edmond's* government) doth sufficiently demonstrate that the regular and lawful Trade of this Territory was exceedingly improved under him: 'Tis true, the Acts for Regulating the Plantation-Trade, and Navigation (little regarded under the Massachusetts Government, to the great prejudice of the Revenues of the Crown; and detriment of its European Subjects) were carefully enforced, and their constant and profitable correspondence with Foreigners and Pyrats diligently obstructed, (which was very disagreeable to many Persons who had even grown old in that way of Trade, and was I believe one chief cause of the Revolution, which seems evident by their falling again upon the same measures since that change.) By this is meant *Courses taken to damp and spoil their Trade*, for which I hope the Government will not lie under any imputations in the Judgment of considering Men.

I shall say little concerning the King's Treasure; for it is clear to all that know this Country, that under the late Government, there was never so few Taxes paid, nor until the *Indian Rebellion*, a fuller Treasury since the settlement of these parts; and 'tis plain, That the alteration of the *Massachusetts Government*, and annexation of the rest of those petty Colonys did highly conduce to the King's Honour, and the good and welfare of his Subjects; for all that Country which was every day subject to the Incurfions of the *French*, was no fooner taken into the King's hands, and united, but they became formidable: And all endeavours to make them demolish the Fort of *Oncagra*, (which they had Built and Garrisoned some hundreds of Miles within the *English Dominions*, in the Year 1687) proved unsuccessful, until the Union of the said Colonys, under the Commission so much complained of: And I do heartily wish, that the Divisions now among you, do not encourage them to take the advantage of this opportunity, and by an utter destruction of all this *Continent*, experimentally make good my Assertion.

And 'tis as plain that the King's Subjects, which for many years had groaned under the severity of a Tyrannical and Arbitrary Constitution, deprived of the Laws and Liberties of *English-men*, forced in their Consciences, suffered death for Religion, and denied Appeals to the King, were eased of those intolerable Burthens, and allowed the free Exercise of their Religion, and the benefit of the Laws of *England*, which were duly and truly administred unto them, by which the Honour of the King is advanced to the highest pitch.

4. 'Twill be but time lost to say any thing of the Red-coats; for nobody can be so void of Sense and Reason to think that so many Thousand Men, which at this day inhabit this Colony,

could be imposed upon by 100 Red-coats; and if any body hath been so vain as to threaten them with more, I look upon it an effect of passion or folly; For Experience, which certainly is the most convincing Argument in the World, tells you there is no such thing.

5. What is meant by Preferments, and who are called Strangers and Haters of the People, I must confess I cannot easily comprehend, unless to inhabit fourteen or fifteen Years within the Territory will make a Man such. Is there any one Gentleman of the Council, that hath either been displaced, or put into that Station by the Authority there? Which of your Judges are Strangers? Were not Three of them brought up amongst you; and of your own Communion? And was not the other in the same Employment in some part of this Territory, at the time of the Annexation? From whom had the Secretary and Collector his Commission? Certainly from no body here. Did the alteration of the Government change your Treasurer? Is it not the same Sir *Edmond* found here? Is he not a Man of Estate, good Credit and Reputation, and one of your own Countrymen? Were not all Officers in the Government, as well Magisterial as Ministerial, natural born *Englishmen*, and Subjects to the Crown of *England*? How then are Strangers and Haters of the People preferr'd, when there is not one that can reasonably and justly be so termed, in any place of Trust or Office throughout the Dominion.

6. Who are meant by abject Persons from *New York* wants an Explanation, for none of the Gentlemen that came from thence, (now in any Authority) but are well known to have liv'd there for a long time, in Esteem and Reputation, enough to merite a better *Epethite* of all good and honest Men; and I believe

lieve it will one day appear, that their Faithful discharge of their Duties, their constancy and steadiness to *the Church and Laws of England*, and unshaken Loyalty and Fidelity to the Crown, was their greatest Crime.

I am not well acquainted what Fees were taken, but this I know, that a Committee of the Council were appointed to make a settlement of Fees for all Officers throughout the Government, which was effected, approved of, and sent to *England*; and if any one have exceeded those Limits, they deserve to be called to account, but it ought to be in a due course of Law. For the personal miscarriages of a Ministerial Officer, are no sufficient Warrant for an Insurrection; neither ought the whole Government to be Subverted, because *Tom or Harry* are ill Men. The Authority can but provide good and wholesome Laws for the punishment of Evil doers, and cause those Laws to be put in execution against Offenders: But if any one doth me a personal wrong, for which I have a Remedy by Law, and I will not take it, I ought not to quarrel with the Government, for 'tis my own Fault, and I might have redress if I would. Personal Crimes must be censured Personally; and a Government ought no more to be scandalized and aspersed, because an Extortioner is in it, than because there is a *Felon* or a *Traitor*.

7. I need not tell you that the Statute Laws of *England* are Printed at large, and that many Abridgments of them are so likewise, and easie enough to be procured; neither can it be but very well known, that all the Acts of the Governour and Council were solemnly published with Sound of Trumpet, as soon as made, and Authentick Copies afterwards transmitted to the Clerks of each respective County throughout the Territory; Why then it should be said, that it was impossible to know

the Laws? I see no reason, unless by it is meant the *Common Law*; and if so, you may as well quarrel because every common Person doth not understand *Euclid* or *Aristotle*; for the knowledge of the Law, cannot be attained without great Industry, Study, and Experience; and every Capacity is not fitted for such an Undertaking; *Ex quovis Ligno non fit Mercurius*. If this was a Grievance, What a miserable condition are they in now, that instead of not knowing the Law, there is no Law for them to know? I shall debate more over this yet.

8. What rash, or indiscreet, Expressions may fall from any single Person of the Council, either in his private or politick Capacity, I will not undertake to justify; all Men are not endued with qualifications alike; every one in that Station ought to give his Opinion, as he himself understands the Matter; and if any one have unadvisedly uttered Words so disagreeable, I know no Body injur'd by it, neither can the Government be justly censur'd for it.

9. That the Privileges of *Magna Charta*, and other Liberties of *English-men* were denied them, is a thing which can never be made appear; however, admitting it, I have sufficiently discuss'd that Point in the Third Article. By the Persons said to be severely Fined, for peaceably objecting against raising of Taxes without an Assembly, I conjecture are meant the *Ipswich-men*, who were so far from a peaceable objecting, that they assembled themselves in a riotous manner, and by an Instrument conceived in Writing, did Associate and oblige themselves to stand by each other in opposition to the Government; and by their Example, influenced their Neighbours to do the like. And this by the Law is esteem'd an Offence of that Nature, that it is next door to *Rebellion*; for which they were

Indicted, Tryed, and Convicted, either by *Verdict* or their own *Confession*.

10. I cannot justify that Sheriffs, who doth either pick or pack a Jury; 'tis both repugnant to the Law and his Oath; and he deserves no favour, that can be Guilty of such a Crime; but let him first be known, and the thing proved; for I do not remember any one that hath been Convicted, nor so much as accused for such an Offence.

Judgments upon *Demurers* and Defaults, are so practicable and warrantable, by the Law, that nothing can excuse the enumerating them amongst the Grievances in the *Declaration*, but the Pen-man's want of Knowledge in that Profession. 'Tis a Maximé, *Volenti non fit injuria*; and when both Plaintiff and Defendant do, by a joynt consent, submit to the determination of the Court, or by their own negligence make default; Who hath the wrong? Where is the Injury? This hath been a practice so frequently used in your former Government (though under another Name) that no body can be ignorant of it.

11. That any one hath been Imprisoned, without being charged with Crime or Misdemeanour, is an Allegation which I dare be bold to say can never be proved; I have heard indeed an *Habeas Corpus* demanded upon the Statute of the 31. C. 2. was denied in Major Appleton's Case, (who was one of the Ipswich-men before mentioned;) but let any considering Man peruse the Act; and I believe he will be easily convinced, that it is particularly limited to the Kingdom of England; besides, he was committed only because he would not find Sureties for the good Behaviour; and the question was not whether he should be Bailed; for upon finding the said Sureties, he must have been discharged of course; so that it was not the want of

an

an *Habeas Corpus* detain'd him in Prison, but his own wilful and obstinate Humour; if they do but consider well how many Gentlemen lie now in stinking Goals, and close Prisons, without either *Mittimus* or *Crime* laid to their charge, and without the allowance of an *Habeas Corpus*, although demanded; I am sure they cannot but blush, when they read that part of the Declaration.

12. That Jurymen were fined and imprisoned for refusing to lay their hands to the Book, I presume is a mistake; probably they may have been fined for their contempt, and sent to Prison for not paying that Fine, which by the Law may be Justified; for evrey Court may fine any man for a contempt in open Court, and they themselves are Judges of the Contempt.

Whether it be a forcing of Conscience or not, I shall leave to Casuists; but I am very well satisfied, *it is not comprehended within the late Indulgence*: Yet admit it were, the Judges are sworn to do their Duties in their Offices, according to the Laws of the Land: *Prescription is a good and sufficient Law*, the form of laying the Hand upon the Book hath been the only *modus* of Swearing time out of mind; therefore the laying the Hand on the Book in Swearing, is a good Law, and the Judges cannot dispence with it, *Salvo Sacramento*; if they did, a Judgment in such a case would be erroneous and reversible, and 'tis dangerous to admit of Innovations.

The Common Law of *New England* is brought in, to Warrant the lifting up the Hand; but I take that to be *rara Avis in Terris*; for I challenge the whole Territory to produce one *Precedent* of such a resolved case; but perhaps by it, *Prescription* is intended; if it be, that will asilly serve the turn as th'other; for the Colony hath not been long enough settled, to claim any advantage by that Right; neither if it had, would it be admitted without apparent

rent violation of their *Charter*, being absolutely repugnant to the *Laws of England*.

13. Fully to discuss the question concerning the Titles of their Lands, would be a Subject too Copious for the present Design, therefore I shall only glance at it as I pass by, being resolved, when time shall serve, to declare my Opinion more amply on that Subject; in the mean time, let every considering Man Examine well the *Charter*, which is the very *basis* of all their Rights, (unless they will set up a Power above the Kings,) and then let him tell me, in whom the *Fee simple* of that Tract of Land, betwixt *Charles's River* and *Merry-mack* remains: if in the *Grantees* or their *Heirs*, How do they derive their Titles from them? If in the *Governour and Company of the Massachusetts Bay*, they must inquire whether pursuant to the Directions and Powers to them granted, it is by good and sufficient Conveyances in the Law, derived unto them: If they find it so, they must not be disturbed with Fears and Jealousies, for nothing can hurt them; if not, they are infinitely obliged to those Persons who have made them sensible of their Weaknesses, in a time, when by His Majesty's *Letter Patents*, the *Governour* was impowered to supply all such Defects, and not upon Terms, either excessive or unreasonable, but upon such as were both easy and moderate, which will plainly appear to any Man who will but give himself the trouble to peruse the Table of Fees, settled and allowed by the Council; yet still every Man was at his own Liberty, to take a *Patent of Confirmation*, or to let it alone, as is apparent enough by the many Petitions now lying in the Secretary's Office, which, altho' his Excellency was always ready (so far as in him lay) to Grant, yet the more necessary Affairs of the Government, which both he, and all about him, ever prefer'd to their private advantage, took up so much of
his

his time, that not above twenty ever passed the Seal; and I am very well assured, that not one Example can be produced, that the least compulsion was ever used in this case, to any Man living, within this Dominion.

If the Governour did say, there was no such thing amongst you as a Town, what can be inferred from thence? 'Tis not to be presum'd, but his Discourse tended only to a Body Corporate and Publick: For you generally call that a Town in *America*, where a number of People have Seated themselves together, yet 'tis very well known, 'tis so in Name only, not in Fact: I take that Body of People to be a Town, properly so called, who by some Art of Law, have been *Incorporated*, and in that sense there is no such thing as a Town in the *Massachusetts*, neither was there a Power to make such before his Excellency's Arrival, for *One Corporation cannot make another*. [The Case of *Suttons Hospital. Co. Rep.*]

14. That *Writs of Intrusion* were issued out, is doubtless true, and the Government would have justly merited a severe censure, if all waies should have been free and open, for the Subject to attain his right, and none left for the King. They would think themselves highly injur'd to be refused a *Capias* or any other common Writ; and I'm sure the other is as peremptory an one in the Kings Case; and had the Penman been never so little acquainted with the *Natura brevium*, or the Register, he would have been asham'd to have stuffed up the Declaration with such Matter, which can be of no other service, than to amuse and deceive ignorant People. Have there been more than seven Writs of this kind issued out, during Sir *Edmonds* Administration? Or more than two Prosecuted? And were any of them against either Poor or Ignorant Persons, that had neither Purfes nor Brains to defend

defend themselves. Hath it not been against such, as both for their Estates and Capacities, are sufficiently known to be eminent? And the business of *Deer-Island* was brought on for no other intent, then that right might be done to the King here, and that the Party, if agrieved, might in a regular way have brought it to the Council-Board in *England* for their Determination: And I think, if this matter were rightly understood, it would be of excellent service to the Country, for such a Judgment would sufficiently instruct them what they have to trust to.

15. That their Commons might be begg'd, is not very strange; but that the Governour must be Criminal because such a thing is asked of him, is a barbarous inference: To whom have they been granted? Or for which of his *Creatures* have they been *measured out*? I should be glad to see that Man who would bare-fac'd instance one particular grant of any Man's Right or Possession passed by Sir *Edmond*, during his Government. 'Tis true, that at the request of Lieutenant Coll. *Lidget*, (a Gentleman who hath long lived among you in Reputation, equal to the best, whose Fortunes were not so narrow, that he needed a dependance upon any one; and by a plentiful Estate, which he possessed in *Charles-Town*, had a right to a proportionable share or dividend in all the vacant and unappropriated Lands belonging to the said Town,) the Governour and Council did grant him a piece of the said vacant Lands, (which the Pen-man corruptly calls Commons) contiguous to a very considerable Farm, which he was there owner of, which I presume they might very lawfully do; for it can never be made appear, That the People of *Charles-Town*, either in Law or Equity, had a Right or Title to the said Land, without a

Grant from the Governour and Company of the *Massachusetts Bay*, exempted under the Seal of the Corporation, pursuant to the Rules and Directions of their Charter, they can have no Legal Claime; and I am sure, such can never be produced, and I think they have as slender a pretence to an equitable one, when the Land hath always lain wast and undivided, to the profit and advantage of the Claimer, without any manner of charge or expence.

Besides, it cannot be consistent with the Interest of new Plantations, that two or three Hund. Thousand Acres of Land should be taken up by a small number of People, who are not capable of improving one tenth part of it, and the rest lie vacant under the notion of Commons, when Persons of Ability, equally concerned, would improve it, but cannot, because they are less numerous than the poorer sort of the Town, whose advantage it is that the Lands should so lie, and who manage their Affairs by majority of Voices. And if the Tract of Land which *Charlestowne* pretends to, were proportionally divided, Coll. *Lidgett's* share (they themselves being Judges) would have exceeded the Grant.

'Tis likewise true, that *Clark's Island* was granted to Mr. *Clark* of *Plymouth*, which might very well be, for it was never included within the *Plymouth* Patent, and so resolved by the Council in that case, and therefore grantable at the King's Pleasure. And this is all that I know of which can be objected.

It may be true, that some Persons who have contemptuously and riotously obstructed the Surveyor-General, in the doing of his Office, and pluck'd up, and removed the Stakes and Landmarks set up by him, upon vacant and unappropriated Lands, have been upon Legal Tryal and Conviction moderately Fined
for

for their Offence, but see no reason that should be accounted a Crime in any, or that such Actions should escape unpunished.

16. I am likewise in the dark, to find out how the forcing of the People at the East-ward to take Patents (although I know of no such thing done) gave a rise to the late unhappy Invasion by the *Indians*, unless by that means the *Indians* were deprived of those quit-rents and acknowledgments, which by a base and dishonourable agreement, made by Commissioners appointed from *Boston*, the People of those parts, some time since, were obliged to pay them, as their *Lords and Masters*.

17. I am totally ignorant what is meant by *Blank Patents*, for 'tis the first time I ever heard of such a thing, neither indeed can it be; for he that takes a Patent for his Land, doth it in such a form as best pleaseth himself, or as he shall be advised to by his Council; And how any Man living can so far know my mind to prepare such an *Instrument* for me, I leave the World to judge.

18. That any of the Council were ever denied admittance to that Board, is a thing so apparently false, that I'm sure not a Man amongst them but must justify the Governour in that point; who was always so far from such a Method, that although there was a certain day appointed for their meeting every Week, *well known to them all*; yet it was a frequent thing for him to send on purpose to *Salem*, and other Neighbouring Parts, for the Gentlemen that lived there; and I have seen the Messengers Account, wherein he chargeth a considerable Summ of Money for Horse-hire on those Errands. 'Tis very well known, his Excellency hath waited many Hours for several of the Gentlemen that live in Town, and would never Sit until they came; and as he hath never done, nor ordered the least matter relating to

the Government, without their *advice and consent*; so he never did it without a sufficient number to make a *Quorum*, which was Seven.

19. There was never any other Course taken, to hinder Mr. Mather's Voyage to *England*, than what the Law allows; neither can the Government, without a great deal of Injustice, be charged with any thing relating to that Matter, for *none in place knew his Errand*.

There was a particular difference between Mr. Randolph and him; and I never heard of any other Course, taken by Mr. Randolph, than the ordinary Writ in such Cases usual; which was so far from retarding his Voyage, that an *Attorney's entring a common Appearance*, in that Case, would have been sufficient to have discharged him, if the Writ had been served.

20. Suppose the King promised Mr. Mather, a certain *Magna Charta*, for Redress of (*imaginary*) Grievances; and that his Excellency should be wrote unto to forbear the Measures he was upon; yet no such thing being done, he was obliged to the Obedience of His Majesty's Commands, before signified to him in his *Letters Patents*; which was a sufficient Warrant to him, until he should receive some thing subsequent to contradict it.

21. That your Churches and Ministers have been discouraged, is so general an Head, and the rest of the Declaration so particular, that it gives me cause to suspect the truth of it; and I shall hardly alter my Opinion, until any one of you be instanced, who kept himself within his Province, and only meddled with that which belong'd to him.

'Tis the *Church of England* that hath most reason to complain, only you cry *Whore first*: For at Sir Edmond's Arrival, they were the only People destitute of a Place to Worship in, until
by

by Advice and Consent of the Council, the New Meeting House, in *Boston*, was borrowed, and made use of by them, but at inconvenient Hours; in the Morning after Eleven, and sometimes as their Service was prolong'd at Twelve; and after Four in the Afternoon, which with patience was endured, tho' the Enmity of that People, to the Church of *England*, was such, that they grudged them that small Accomodation, and shewed their uneasiness therein; which was soon removed, by the Governour's encouraging a Church to be built, and compleated in *Boston*, at the Charge of those of that Communion, where the Publick Worship, and Service of God hath been attended, until the late Insurrection, when the Minister was forced to leave the Countrey, and Church, for his own safety; And has not the Minister been before this publicly affronted, and hindred from doing of his Duty? What scandalous Pamphlets have been Printed to villifie the Liturgy? And are not all of that Communion daily called *Papist Doggs, and Rogues*, to their Faces? How often has the plucking down the Church been threatned? One while, it was to be converted to a School, and anon, 'twas to be given to the *French Protestants*. And who so will but take the Pains to survey the Glass Windows, will easily discover the Marks of a Malice not common; I believe 'tis the first National Church, that ever lay under such great Disadvantages, in a Place, where those that dissent from her, ought to expect all things from her Grace and Favour.

22. Should I undertake to recount all the particulars of the late *Indian Rebellion*, this would swell to a bulk bigger than ever I designed it; I shall only tell you, you must look at home; for the reasons of those troubles, which is well known, began when his Excellency was above Five Hundred Miles off at *New-Tork*,

Tork, and that the Folly and Rashness of the People, drew it on their own Heads. The Governours Conduct in that Affair has been so prudent and discreet, that I have no reason to doubt but your Council of Safety, &c. Into whose hands, all the Papers relating to that business did fall, are very well satisfied with it: Was not the whole Country so secured, that not the least Damage, or Spoil was done to the Plantations and Fishery, during the Forces being abroad? And were not the *Indian* Enemies by the said Forces, hard Marches, and Pursuits, sometimes above One Hundred Miles into the Desert, beyond any Christian Settlement, reduced to the extreamest Wants and Necessities? And all things brought to that pass, that if our unhappy Domestick Troubles had not intervened, the War before this time would have been advantageously Finished, without any Rates or Taxes, on the Country; for by his Excellencies good Husbandry, the standing Revenue would have defrayed the Charge: 'Tis true, you have lost some of your Friends and Relations in that Expedition; but could the *Governour* keep them a Live? Are not Diseases in Armies as Fatal to Men as the Sword? When Death comes, 'tis not to be avoided; and you see that all your Art and Care hath not been sufficient to Preserve your dearest Friends at Home, from the greater Mortality which hath run through this Country; Did any of them Dye neglected? Which of them wanted any thing to be had in those Parts? Did his Excellency lye upon Beds of Down, and fare Deliciously every Day? No, the same Meat, the same Drink, the same Lodging in their Quarters, and Marches very common to all; only he was generally the least taken care for: To what a degree of Madness and Impiety are we then grown, so *Falsly and Maliciously*, to Re-criminate a Person, who for
your

your Defence and Security, hath so generously expos'd himself to the *Hardships* of that Cold and Uncomfortable Clymate, and the Fatigues of War, against a Barbarous and Savage People? And certainly if God Almighty hath not *given over this People to believe Lies*, their Eyes must be by this time open, and they cannot but know, how much they have been put upon, Shammi'd and Abus'd. Who are *Papish Commanders* in the Army? Will any Man Bare-fac'd Aver so great an untruth? It must be Confessed, there was one and no more, under that Circumstance, who had the Command of a Company of the King's standing Forces, and was not Commissioned for the Army; besides, if he had, hath he not Lived long amongst us? Did any one ever question his Ability, Courage, Fidelity and Conduct, and ought not that Liberty of Conscience, which has been so hotly Preached up, even to the Encouragement of immoral Acts amongst you, be equally beneficial to him with other Men? Especially when the Gentlemen in the Country, were so far from offering their Service in the Expedition, that some of the most Eminent amongst them, have absolutely refused the Service; and they have been told, the Governours proposal to the Council, about his going to the *Eastward*, met with no Opposition, lest some of the Military Men there, should have been bound in Honour to have taken that Imployment upon themselves.

23. That some of the *English Plantations* in the *West-Indies*, which were Contiguous to the *French*, should be Alarm'd, is no wonder, for they were ever Jealous of their Neighbourhood, and alwaies stood upon their Guard; but that you should be afraid of being delivered up to the *French*, when there is neither War betwixt the two Crowns, nor any *French-Men*

men that we can yet here of, to receive you, is one of the most unaccountable things in the World. From what parts must they come? From *Canada* you know they can not; they want both Men and Ships, and have reason enough to look to themselves; *France* have their Hands full at home; and 'tis well known they cannot spare any from the *West-Indies*; they made their outmost Effort against *Estalia*; and by the best Intelligence I can get, in that Service or War, there was not one *Frigat*; Must they then drop out of the Clouds, or do you expect a Fleet from *Utopia*? Certainly, this must needs convince any considering Man, that these poor People have been extremely abus'd, and they must be Stupid and Senseless, who think that Sir *Edmond Andros*, and Ten or Twelve Men more; (for that is all the Number said to be concerned in this wonderful Plot;) Could they be guilty of so horrid a Wickedness and Impiety? Were able to deliver so many Thousand Men, well appointed, into the Hands of a few *French-men*, who from God knows whence, were to come, *The Lord knows when*.

24. That it was either their Duty to God, or that they had the Nobility, Gentry, and Commons of *England*, for their Prefident, I cannot by any means allow; and I am amaz'd to see *Christians* call that a Duty, which God has so remarkably shewed his Displeasure against, in all Countries, and Ages; Is not *Rebellion*, as the *Sin of Witchcraft*? Numb. 11. 12. 16. Who was it that sent the Leprosie amongst the Children of *Israel*, for their murmuring? Psal. 78. Or, how came the sudden Fire, with which they were burnt up? How many Thousands perished by the Pestilence? Or, were they a few that were stung to Death by the Fiery Serpents? Do we not read, that the Earth opened, and swallowed up some of their Captains, with their Wives and Children quick? which horrible Destruction fell upon the Children of *Israel*, for their murmuring against *Moses*, whom God had appointed their head, and chief Magistrate; What shall I say of *Absalom*? What of a *Achitophel*? Or what of *Sheba*? Holy Writ is so full of Examples, of the like Nature, that no Body can esteem that a Duty, which is so often testified against: And as it is far from being their Duty to God, so there is no Parellel between the Proceedings of the Lords Spiritual and Temporal in *England*, and theirs here; for the Design of Establishing Popery and Arbitrary Government; in this Colony, is altogether Ridiculous and Incredible; for, who was to have effected it? Could those few of the Church of *England*, that with the hazard of their Lives and Fortunes, so lately opposed it in *Europe*; and that in all Ages have been the only Bulwork against it? Or were the *Presbyterians*, *Independants*, or *Anabaptists*, to have brought this about?

It must have been one of those, for I dare be bold to say, there are not Two Roman Catholics betwixt this and *New-York*,

I have sufficiently demonstrated, in the third Article, the little Right we have to any other Government in the Plantations; and that we cannot justly call that Arbitrary, which by the Law we are obliged to submit to: So that betwixt their Condition and ours, there can be no Parity.

As their Reasons and yours were different, so are the Measures which have been taken; for his late Highness the *Prince of Orange*, having well-weighed and considered the tottering Condition of the *Protestant Religion* all over *Europe*, thought it was high time for him to take up Arms, as well for his own Preservation, as that of his Neighbours and Allies. We do not find, that notwithstanding the Danger that hung over their heads, the People of *England* took up Arms to right themselves; but instead thereof, they became humble Suppliants to his Highness for his Favour and Protection, which he was pleased to grant them: Neither do we find, that the Lords Spiritual and Temporal, assumed any Authority, for which they had no colour of Law: As they are *Peers*, they are invested with the highest Authority, and are the grand Conservators of the Peace of the Nation; they never left their Duty and Allegiance to his late MAJESTY, until he first left the Kingdom; and all Things were transacted in his Name, and by his Authority, until the very minute the *Prince* was proclaimed; who came not by force to Conquer and Subject the Nation to a foreign Power, nor to Subvert and Destroy the lawful Government, but to Maintain and Support the same, in a peaceable manner, by a *Free Parliament*: The *Prince*, nor *Peers*, never abrogated nor altered any of the lawful Powers of the Nation, but strengthened and confirmed all that were capable of bearing Office, by which there was always a due Administration of Justice. The *Sword* was never laid to Rule and Sway; and by consequence that Confusion and Disorder avoided, which their Illegal and Arbitrary Proceedings have precipitated us into.

As to the fanciful Stories of *Macquas*, *Subterranean Vaults*, *Fire Works*, *French Frigats*, poisoning the Soldiers to the Eastward, &c. they are so apparently false, and strangely ridiculous, that by this time, no Man in his Wits can believe them; and I need no Argument to confute the Credit of those monstrous Follies, since Time and Experience have sufficiently demonstrated them to be meer *Lyes and Inventions*.

And now I hope all sober thinking Men are convinced, That the before-
alleged Reasons, are in themselves either absolutely false, or of little mo-

ment; and consequently *no sufficient ground for taking up Arms*; all that remains on this head therefore, will be to shew,

First, That if all the Reasons had been true, yet it could not justify their Proceedings.

Secondly, If their Condition had been as bad, and their Grievances really as great, as they were made believe, those Measures could never mend the one, nor redress the other.

The most excellent *Grotius* hath so learnedly wrote upon the first of those, that I shall presume to use no other Argument than his own upon that head; which you may read in *4. Cap. Lib. 1. De jure Belli & Pacis*.

Thirdly, These Measures could never better their Condition, nor redress their Grievances, unless they are so vain to imagine themselves capable of waging War with the *Crown of England*, and all its Allies. Is the King so inconsiderable a Prince, that he should be forced? Or can they think that the noise of their *Thousands and Ten Thousands*, will frighten him into a Compliance? Without doubt if they do, they will too too late find themselves mistaken; and a woful Experience will quickly teach them, that the sole want of *their Majesties Protection*, will, in a very short time, reduce them to the most miserable and deplorable Condition in the World.

But, perhaps, they may fancy, that this Action of theirs, hath extremely oblig'd their Majesties, and that all things now are become justly due to the Merits of their Services: 'Twill do very well if it be so understood; but I cannot see the least probability of such a Construction, for they have sufficiently manifested in their *Declaration*; that *Self-Interest*, fondness of their former popular Government, and aversion to the Government establish'd from *England*, was the first and principal Motive to their Undertakings; and their Progress doth plainly demonstrate, that they have only made use of *their Majesties Names*, the better to effect their own Designs, whilst every thing that hath any relation to them is *neglected and unregarded*, without any *Recognition* of their Authority over those Dominions, or the least acknowledgment of their submission to such Orders as should come from them, saving what particularly related to *some few ill Men* (as they call them,) whom they have imprison'd and detain'd, without any Law or Reason: So that they have rashly and imprudently adventur'd their *ALL* upon a Chance, (not an equal one,) Whether it will be well or ill taken: If well, they can expect nothing more, than what they would have had by sitting

sitting still and quiet, unless it be a vast charge, trouble, and expence: which they have inevitably brought upon themselves: If ill, What will be the event?

In the first place, This Country, which hath so much valued it self, for the *true Profession and pure Exercise of the Protestant Religion*, will be termed a Land full of *Hypocrisie, Rebellion, Irrigation, and what not?* and they themselves a degenerate wicked People.

Secondly, In all their Pamphlets and Discourses, they have so magnified their Action, and boasted of the vast Numbers they can bring into the Field, that it must be of great import to the Crown of England to curb them, & in time to reduce them to their former Obedience; and nobody will imagine it consistent with the *Interest of the Crown* any more to trust *Government*, in the hands of a People so ready and so able, upon all Occasions, to Revolt and set up for themselves; and the stronger they are, the more need there will be to keep them under.

Thirdly, And lastly, They will really endure and undergo all those Miseries and Calamities which they fancied to themselves under the late Government, and become the Scorn and By-word of all their Neighbours.

What then remains, but that they should endeavour to settle themselves in such a posture, as may at least mitigate, if not wholly prevent the before-mentioned Inconveniencies? If their Charter be restored, it can neither justify their past Actions, nor maintain their former Laws or Constitution of Government; but render them liable to be questioned and *Quo Warranto'd* for their Malefance, whensoever the Supreme Authority shall think it meet. There is nothing therefore that can be safe or easie for them, and of greater Service and Benefit, than that they put themselves in a submissive and humble posture, fit and ready to receive their Majesties Commands; and not value themselves too much upon their own Merits, lest they become unworthy of their Majesties Grace and Favour; without which, (think what you will,) they can never be safe and secure from the Severity of the Laws, which they have indisputably violated, in Matters of the highest Nature and Consequence imaginable.

I hope every good Man will seriously consider the foregoing Discourse, and suffer himself to be guided by the Dictates of Reason, and not of Humor and Prejudice; and then I am well assured, it will be evident enough that they have mistaken their Measures, and that a due sentence thereof,

thereof, and a timely recess, will more advantage them, than an obstinate and wilful perseverance; and that nothing but such a Remedy can restore their almost-perishing and undone Country, to a lasting Peace and happy Settlement; for which, shall ever be the hearty Prayers of

Your humble Servant,

J. Palmer.

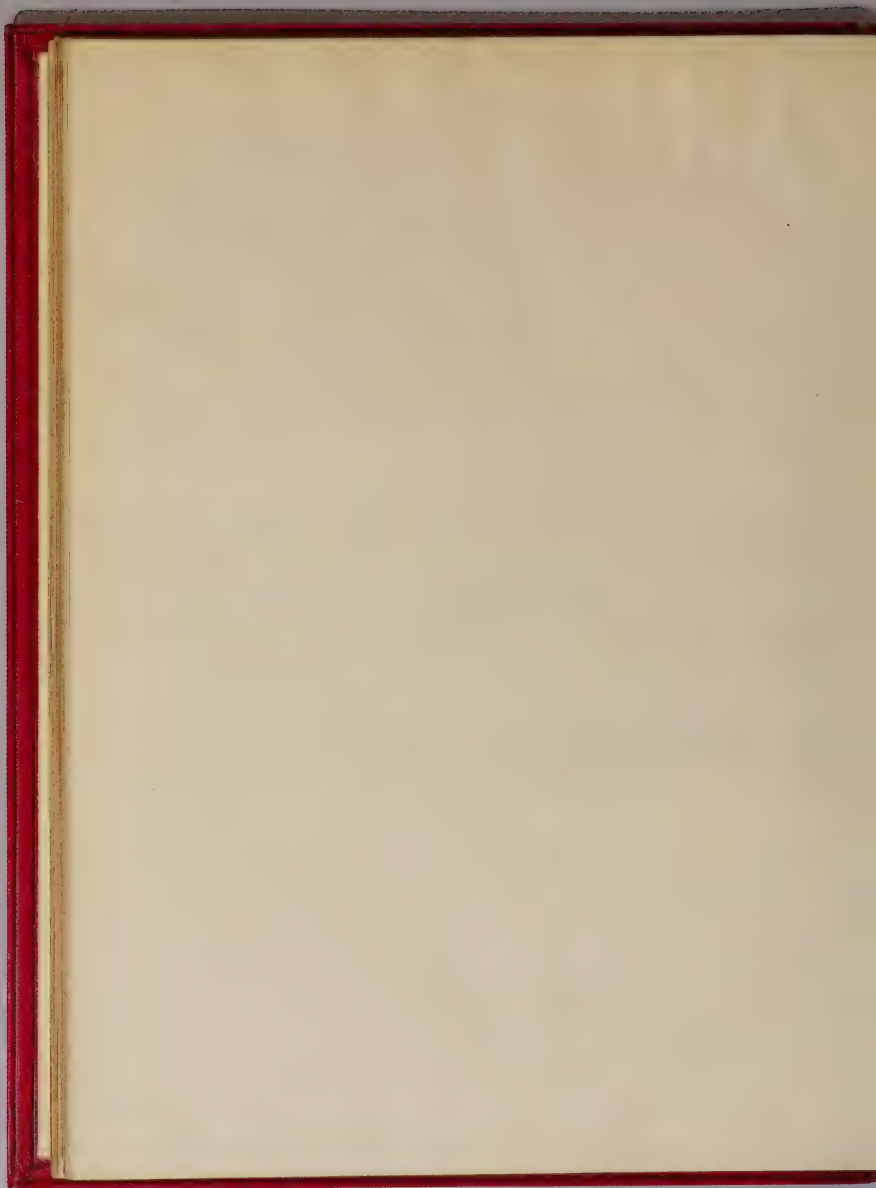
POSTSCRIPT.

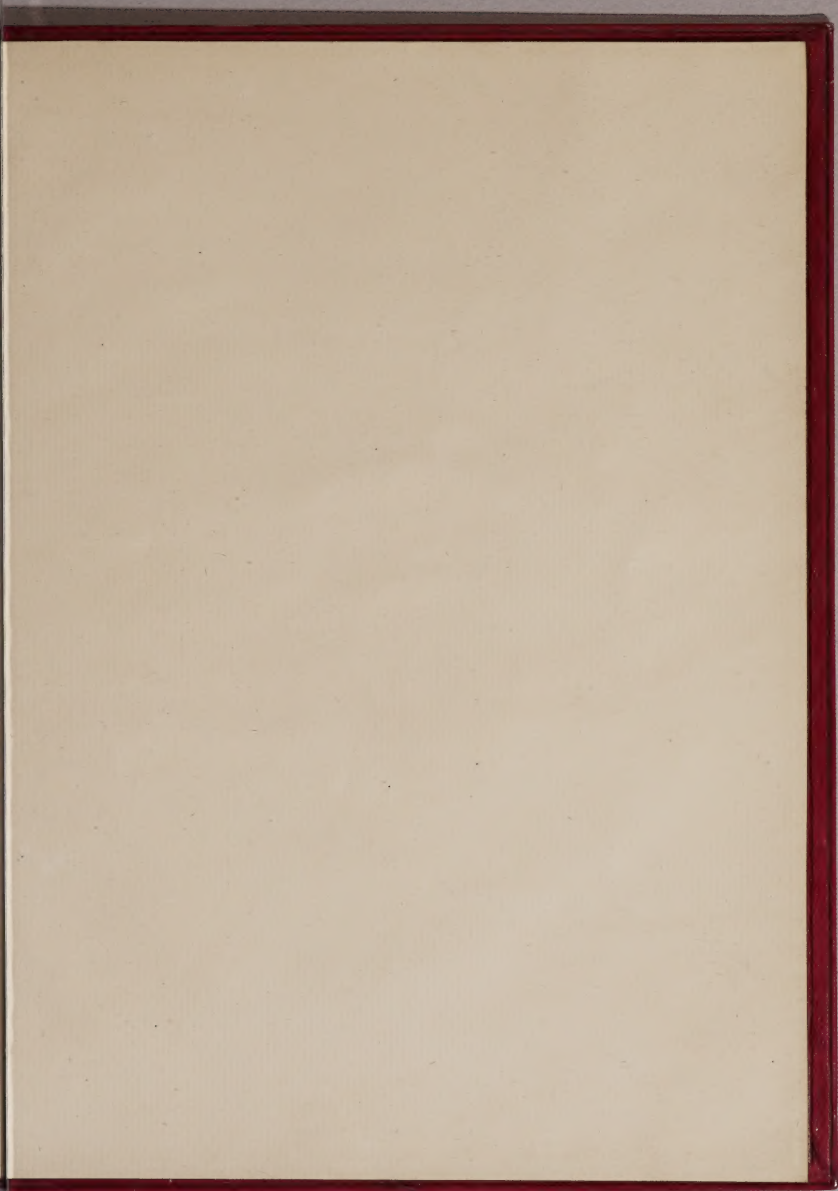
I Was principall induced to direct the precedent Discourse to you, Gentlemen, for two Reasons: First, Because I am well assured, you have had a great share in the late Revolution; and, secondly, Because I would be rightly understood, which I am sure I can never fail of, by Persons of your Learning and Worth; and I hope you will be so kind to me, and so just to your Country, to let me know, in the most publick manner you can, wherein I have mistaken the Matter, either in point of Fact or Judgment: But if I have been so fortunate to convince you, that wrong Measures have been taken, and that the People had no Reason for what they have done, nor no Bottom for what they are yet doing, let me tell you, 'tis your Duty not only to admonish them, but to reduce them to such a temper as becomes pious Men and good Christians, for which you will have the Praise, and God the Glory.

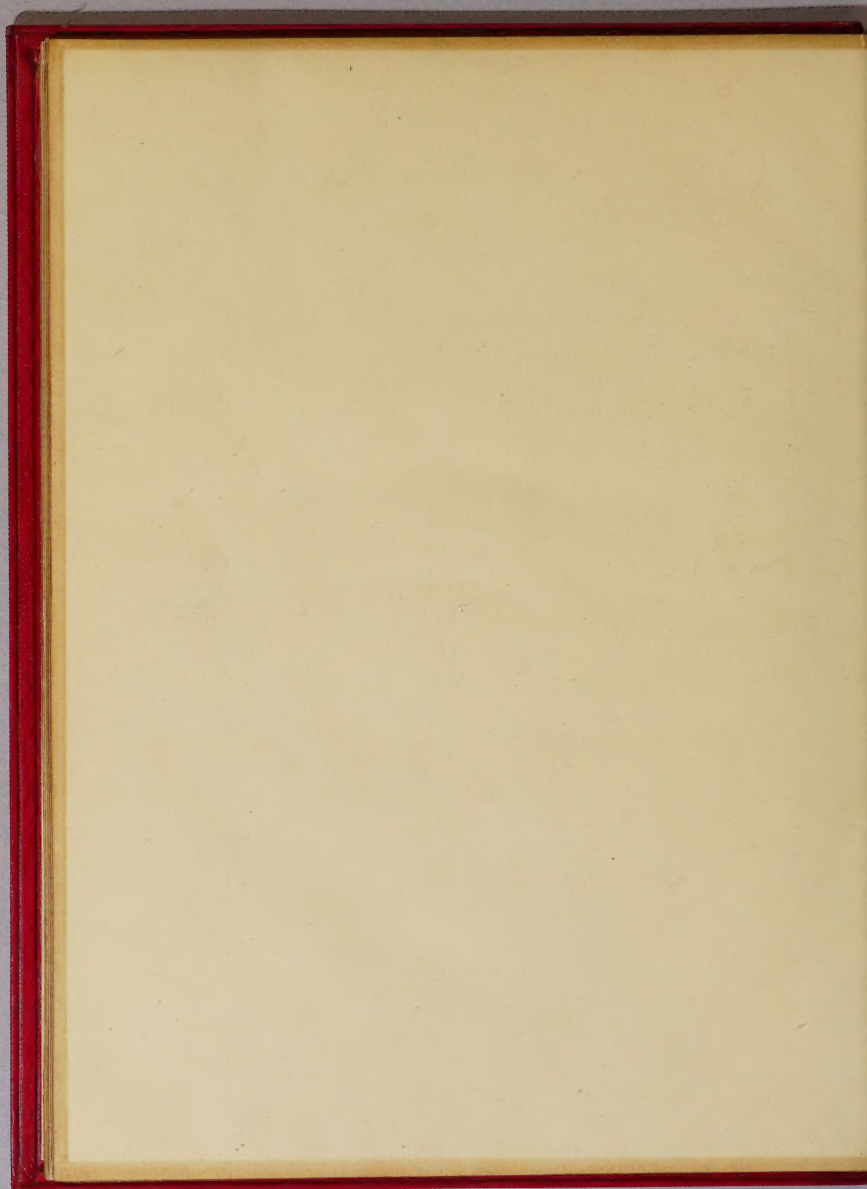
From the Castle the Twentie:
Day of June, 1639.

FINIS.









D690

P3312

[R]

